

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-14877-2021(O&M)

Date of Decision: 09.08.2021

Ajay Yadav

--Petitioner

Versus

State of Haryana & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

RAJESH BHARDWAJ.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.12 dated 25.01.2021 under sections 376(2)(n), 313, 120-B, 342, 506 I.P.C, registered at Police Station, Women West, Gurugram, District Gurugram.

Learned counsel for the petitioner vehemently contends that the petitioner was falsely implicated in the present FIR and no offence, as alleged, is made out against him. Petitioner is in custody since 10.2.2021. It has been further contended that initially there were three accused in this case i.e. the petitioner and his parents, however, on the conclusion of the investigation, parents of the petitioner were found innocent. It has been further contended that during the examination before the Trial Court on 30.7.2021, the prosecutrix, who is 24 years of age, has not supported the case of the prosecution and thus, she has been declared hostile. Counsel

contends that under such circumstances further incarceration of the petitioner is unwarranted.

On the other hand, learned State counsel has endorsed the contentions of learned counsel for the petitioner regarding the custody period and that the prosecutrix has not supported the case of the prosecution.

In the totality of circumstances and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

09.08.2021

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No